

Danville-Pittsylvania Regional Industrial Facility Authority
Minutes
October 12, 2010

The Regular Meeting of the Danville Pittsylvania Regional Industrial Facility Authority convened at 12 o'clock Noon on the above date at the Dan River Business Development Center located at 300 Ringgold Industrial Parkway. Present were City of Danville Member David Luther and Alternate Fred Shanks and Pittsylvania County Members Vice-Chairman Coy Harville and Hank Davis (4). Chairman Sherman Saunders and Alternate Fred Ingram were absent (2).

City/County staff members attending were: Danville City Manager Joe King, Pittsylvania County Administrator Dan Sleeper, Pittsylvania County Assistant Administrator Otis Hawker, Pittsylvania County Assistant Administrator for Planning Greg Sides, Danville Finance Director/Authority Treasurer Barbara Dameron, Pittsylvania County Finance Director Kim Van der Hyde, Danville Senior Accountant Patricia Knutti, Danville Economic Development Director Jeremy Stratton, Pittsylvania County Economic Development Director Ken Bowman, Danville Economic Development Consultant Linwood Wright, Danville Utilities Director RB Sloan, Danville City Attorney Clarke Whitfield, Clement and Wheatley Attorneys Michael Guanzon and Andrew Stockment, and Secretary to the Authority Annette Crane.

Pittsylvania County Board of Supervisors Member James Snead and Nancy Barbour Smith were also present.

Vice-Chairman Harville called the Meeting to order.

PUBLIC COMMENT PERIOD

There were no public comments from citizens.

APPROVAL OF SEPTEMBER 13, 2010 MINUTES

Upon **Motion** by Mr. Shanks and second by Mr. Luther, Minutes of the September 13, 2010 meeting were approved by the following vote:

VOTE: 4-0
AYE: Davis, Harville, Luther and Shanks (4)
NAY: None (0).

Draft copies of the Minutes were distributed to Authority Members prior to the meeting.

DISCUSS NAMING OF BERRY HILL MEGA PARK

Danville Economic Development Director Jeremy Stratton displayed a graphic designed by Danville Economic Development Marketing Manager Corrie Teague. The graphic displayed the proposed name and logo of "Virginia North Carolina Mega Site". Mr. Stratton recalled that the original proposed name, "Mid-Atlantic Industrial Park", had been rejected by the Authority Board in July. At that time, members agreed they did not wish the park to be called "MA".

Comments voiced in favor of the name included the name was clean, quick and stated where the park

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was located, indicates a regional workforce, and helps establish the region as the location of the park.

Some members felt the name was too long and could be shortened to Virginia Carolina Mega Site, or Berry Hill Mega Park or Oak Hill Mega Park. Others commented that since North Carolina did not participate in funding the park, no reference should be made to North Carolina. There were suggestions noted that since funding came from the State and the Tobacco Commission, those organizations might be given the opportunity for input on the name as well as a local historic group.

Mr. Stratton suggested that Virginia Carolina Mega Site could be one option for the Tobacco Commission and the State to consider. RIFA Members could then provide additional names for consideration to the Economic Development office. The Economic Development office could then submit the suggestions to RIFA Board Members for presentation to the respective governing bodies for consideration. RIFA members agreed.

APPROVE TRANSFER OF UNEXPENDED FUNDS FROM DANVILLE REGIONAL FOUNDATION

Danville Finance Director Barbara Dameron advised the build out of the Research facility in the Cyber Park had been completed. All funds had been used except for \$37.16. The amount represents part of the interest earned on the funds while they were invested in a Money Market Account. According to a representative of the Danville Regional Foundation, RIFA is not required to pay back the interest. Ms. Dameron was seeking approval to transfer the funds from the Danville Regional Foundation to the General Expenditures Budget.

Mr. Luther **moved** to approve the transfer of the unexpended funds in the amount of \$37.16 from Danville Regional Foundation Build Out of the Research Facility Budget to RIFA's General Expenditures Budget. The Motion was seconded by Mr. Davis and carried unanimously.

APPROVE DEWBERRY & DAVIS CONTRACT AMENDMENT

City Manager Joe King advised RIFA had recently been awarded of \$2.2 million grant from the U. S. Economic Development Administration. The funds are to be used to grade two industrial lots at Cane Creek Centre. Mr. King recalled that Dewberry & Davis had been performing engineering and environmental assessments on RIFA projects provided for under a contract established by the City in 2002. He said everything was appropriate as far as process and procedures to allow an amendment to the contract, but RIFA Attorney Guanzon requested the amendment be brought before the RIFA board to formalize the amendment.

In response to Mr. Sleeper, Mr. King advised the amendment specifically states Lots #9 and #3. Mr. Sleeper expressed concern that Lots #9 and #3 were not specifically identified in the Resolution. Mr. King further advised the EDA has been very insistent that the funds had to be used for grading lots #3 and #9.

Mr. Guanzon advised the Resolution approves the amendment to the contract, which does specifically state Lots #9 and #3. He said the Resolution also approves the amount of money that is to be expended by the City and the County.

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Assistant County Administrator/for Planning Greg Sides reported he had spoken with an EDA representative who asked for additional information such as the fact the environmental permitting covers the entire Cane Creek Park. Mr. Sides said the information had been sent to EDA officials who would get back to him with a ruling. Mr. King responded that during a conference call with EDA officials that everyone had participated in, they were informed the funds had to be used for Lots #3 and #9.

Mr. Sleeper had expressed concern that other lots may require grading services as well. Mr. Shanks said if work was necessary on other lots in the park, additional action by RIFA would be required.

Mr. Davis **moved** to approve the Resolution authorizing the terms of the amended contract and supporting the performance of the amended contract by the City and Dewberry at the joint costs of the City and the County pursuant to the cost and revenue agreement. Mr. Luther seconded the Motion.

Mr. Davis said a Resolution was being passed that had no meaning at all. If the lots to be graded change, then the contract would be different. Mr. Luther said the Motion on the floor was for lots #3 and #9 and for the fees relative to the cost and revenue agreement. If lots #3 and #9 are removed, then the numbers would have to change.

Mr. Davis **withdrew** his Motion.

Mr. Guanzon opined the matters presently under discussion illustrates why the Resolution is needed. If an agreement cannot be reached at this point, the matter should be tabled until the next meeting. Mr. Shanks reiterated the Resolution approves the amendment to the contract, which specifically states grading to lots #3 and #9.

Mr. Davis **moved** to approve the Resolution authorizing the terms of the amended contract and supporting the performance of the amended contract by the City and Dewberry at the joint costs of the city and the County pursuant to the cost and revenue agreement. The Motion was seconded by Mr. Luther and carried unanimously.

MONTHLY FINANCIAL REPORT

In response to Mr. Shanks, Ms. Dameron agreed the previous motion would change the figures in the the Financial Report.

Mr. Shanks **moved** acceptance of the Monthly Financial Report as presented. The Motion was seconded by Mr. Davis and carried unanimously.

CLOSED MEETING

At 12:38 P.M., Mr. Harville recognized Mr. Davis who **moved** the meeting be recessed and the Authority immediately convene in Closed Meeting for the purpose of consultation with and briefings by legal counsel pertaining to actual litigation regarding *Nancy Barbour Smith, et al, v. Pittsylvania County Board of Supervisors* (Case No. CL10000088-00), where such consulation or briefing in open

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meeting would adversely affect the negotiating or litigating posture of the Authority, as permitted by Subsection (A) (7) of Section 2.2-3711 of the Code of Virginia, 1950, as amended, and, discussion concerning a prospective business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities on or about that certain real property owned by the Authority, commonly known as the "Mega Park," as permitted by Subsection (A) (5) of Section 2.2-3711 of the Code of Virginia, 1950, as amended. The Motion was seconded by Mr. Luther and carried by the following vote:

VOTE: 4-0
AYE: Davis, Harville, Luther, and Shanks (4)
NAY: None (0).

Upon unanimous vote at 1:10 P.M., the Authority returned to open meeting and Mr. Davis **moved** adoption of the following Resolution:

WHEREAS, the Authority convened in Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia, 1950, as amended, requires a Certification by the Authority that such Closed Meeting was conducted in conformity with Virginia Law;

NOW, THEREFORE, BE IT RESOLVED that the Authority hereby certifies that, to the best of each Member's knowledge, (i) only public business matters lawfully exempted by the open requirements of Virginia Law were discussed in the Closed Meeting to which this Certification Resolution applies, and (ii) only such public business matters as were identified in the Motion convening the Closed Meeting were heard, discussed, or considered by the Authority.

The Motion was seconded by Mr. Shanks and carried by the following vote:

VOTE: 4-0
AYE: Davis, Harville, Luther, and Shanks (4)
NAY: None (0).

COMMUNICATIONS

There were no communications from RIFA Board or staff members.

The Meeting adjourned at 1:14 P.M.

Chairman

Secretary to the Authority

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